

# House File 225

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HOUSE FILE 225

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1 3 AN ACT  
1 4 MODIFYING WORKERS' COMPENSATION LAWS AND PROVIDING AN  
1 5 EFFECTIVE DATE.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8  
1 9 Section 1. Section 85.28, Code 2003, is amended to read as  
1 10 follows:

1 11 85.28 BURIAL EXPENSE.

1 12 When death ensues from the injury, the employer shall pay  
1 13 the reasonable expenses of burial of such employee, not to  
1 14 exceed ~~five~~ seven thousand ~~five hundred~~ dollars, which shall  
1 15 be in addition to other compensation or any other benefit  
1 16 provided for in this chapter.

1 17 Sec. 2. Section 85.48, Code 2003, is amended to read as  
1 18 follows:

1 19 85.48 PARTIAL COMMUTATION.

1 20 When partial commutation is ordered, the workers'  
1 21 compensation commissioner shall fix the lump sum to be paid at  
1 22 an amount which will equal the future payments for the period  
1 23 commuted, capitalized at their present value upon the basis of  
1 24 interest at the rate provided in section 535.3 for court

1 25 judgments and decrees, ~~with provisions.~~ Provisions shall be

1 26 made for the payment of weekly compensation not included in

1 27 the commutation, ~~subject to the law applicable to such unpaid~~

~~1 28 weekly payments, with all remaining payments, if any, to be~~

1 29 paid at over the same period of time as though the commutation

1 30 had not been made by either eliminating weekly payments from

1 31 the first or last part of the payment period or by a pro rata

1 32 reduction in the weekly benefit amount over the entire payment

1 33 period.

1 34 Sec. 3. Section 85.65A, subsection 5, Code 2003, is

1 35 amended to read as follows:

2 1 5. This section is repealed July 1, ~~2003~~ 2008.

2 2 Sec. 4. Section 86.42, Code 2003, is amended to read as

2 3 follows:

2 4 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

2 5 Any party in interest may present a certified file=stamped

2 6 copy of an order or decision of the commissioner, from which a

2 7 timely petition for judicial review has not been filed or if

2 8 judicial review has been filed, which has not had execution or

2 9 enforcement stayed as provided in section 17A.19, subsection

2 10 5, or an order or decision of a deputy commissioner from which

2 11 a timely appeal has not been taken within the agency and which

2 12 has become final by the passage of time as provided by rule

2 13 and section 17A.15, or an agreement for settlement approved by

2 14 the commissioner, and all papers in connection therewith, to

2 15 the district court where judicial review of the agency action

2 16 may be commenced. The court shall render a decree or judgment

2 17 and cause the clerk to notify the parties. The decree or

2 18 judgment, in the absence of a petition for judicial review or

2 19 if judicial review has been commenced, in the absence of a

2 20 stay of execution or enforcement of the decision or order of

2 21 the workers' compensation commissioner, or in the absence of

2 22 an act of any party which prevents a decision of a deputy

2 23 workers' compensation commissioner from becoming final, has

2 24 the same effect and in all proceedings in relation thereto is

2 25 the same as though rendered in a suit duly heard and

2 26 determined by the court.

2 27 Sec. 5. Section 86.43, Code 2003, is amended to read as

2 28 follows:

2 29 86.43 JUDGMENT == MODIFICATION ~~OF~~.

2 30 Upon the presentation to the court of a certified file=

~~2 31 stamped~~ copy of a decision of the workers' compensation

2 32 commissioner, ending, diminishing, or increasing the

2 33 compensation under the provisions of this chapter, the court

2 34 shall revoke or modify the decree or judgment to conform to

2 35 such decision.

3 1 Sec. 6. EFFECTIVE DATE. The amendment to section 85.65A,

3 2 subsection 5, in this Act, being deemed of immediate

3 3 importance, takes effect upon enactment.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 225, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor